Department of Community Planning and Economic Development – Planning Division Variance BZZ-5686

Date: September 27, 2012

Applicant: Endres Custom Homes, Inc.

Address of Property: 4053 11th Avenue South

Contact Person and Phone: Dustin Endres, (612) 221-2215

Planning Staff and Phone: Jacob Steen, (612) 673-2264

Date Application Deemed Complete: August 13, 2012

End of 60-Day Decision Period: October 11, 2012

Ward: 8 Neighborhood Organization: Bancroft Neighborhood Association

Existing Zoning: R1A Single Family District

Proposed Use: Single family dwelling with a detached garage

Variance: to reduce the required south interior side yard setback, from one (1) foot to 9.6 inches to permit a detached garage accessory to a single family dwelling located at 4053 11th Avenue South in the R1A Single Family District.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(1) "to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations."

Background: The subject property is approximately 40 feet by 121 feet (4852 square feet). The property consists of a recently constructed, two-story, single family dwelling. At the rear of the property is a 20' x 22' detached garage that was constructed in conjunction with the new single family home. Both structures were approved on the same building permit (BINB 2002923). The garage construction was permitted at a minimum setback of one (1) foot. After construction, a Zoning Inspector determined that the garage foundation was constructed at a distance of .8 feet or 9.6 inches from the south interior property line. The minimum setback for a detached accessory structure in the rear forty (40) feet of the lot is one (1) foot. The applicant is requesting a variance to reduce the required south interior side yard setback from one (1) foot to 9.6 inches in order to permit the detached garage to remain in the existing location.

Staff has not received any correspondence from the Bancroft Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code – Variances

CPED - Planning Division Report BZZ-5686

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Staff does not find that there are unique circumstances of the property that contribute to a practical difficulty in complying with the location requirements for a detached garage in the required interior side yard. The applicant contends that a practical difficulty exists because the setback was difficult to locate due to grade issues at the rear of the lot. Staff believes that the grade issues at the rear of the lot do not present a difficulty because the applicant had a survey produced of the lot prior to construction. Furthermore, the structure is set back 19.2 feet from the property line to the north, which provides sufficient room for alternative placement of the detached garage. Staff believes that the circumstances for which the variance is sought have been created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The applicant is seeking to reduce the required south interior side yard setback, from one (1) foot to 9.6 inches to permit a detached garage accessory to a single family dwelling. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The garage is located approximately 9.6 inches from the south property line. The detached garage is already subject to a reduction of the setback pursuant to Minneapolis Code of Ordinances 535.280(d), which allows an interior side yard setback for detached structures in the rear forty (40) feet to be reduced from the district setback of five (5) feet to one (1) foot. The applicant's request to reduce this setback further is not in keeping with the spirit and intent of the ordinance because it seeks to further decrease an already greatly reduced interior side yard setback.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff believes that the granting of this variance would not dramatically alter the essential character of the locality or be injurious to the use and enjoyment of the adjacent property. Staff believes that reducing the setback from one (1) foot to 9.6 inches will likely create only a psychological nuisance and obtrusion to the adjacent neighbor. Granting of the variance to 9.6 inches will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development - Variance:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the south interior side yard setback from one (1) foot to 9.6 inches to permit a detached garage accessory to a single family dwelling located at 4053 11th Avenue South in the R1A Single Family District.

CPED - Planning Division Report BZZ-5686

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Zoning map
- 3) Site plan
- 4) Garage elevations
- 5) Photographs